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## HAWLEY et al. v. WATKINS.

Jan. 14, 1909.

[63 S. E. 560.]

**1. Insane Persons (§ 38\*)—Removal of Trustee.**—A trustee of the estate of an incompetent person was properly removed, where it was shown on a bill for that purpose that he failed to make suitable provisions for the comfortable maintenance of his ward.

[Ed. Note.—For other cases, see Insane Persons, Cent. Dig. § 57; Dec. Dig. § 38.\* 7 Va.-W. Va. Enc. Dig. 694; 13 Id. 330.]

**2. Wills (§ 601\*)—Construction—Estate Created.**—A devise of property in fee simple is not converted into an estate for life by a subsequent clause in the will providing for the appointment of a trustee to receive the estate for the benefit of the devisee, who is an incompetent person, and for a disposition of any part of the estate remaining after the death of the devisee.

[Ed. Note.—For other cases, see Wills, Cent. Dig. § 1345; Dec. Dig. § 601.\* 13 Va.-W. Va. Enc. Dig. 826, et seq.]

**3. Wills (§ 601\*)—Estate Created—Repugnancy of Provisions.**—Where a will creates in the devisee an estate in fee simple, a subsequent clause, providing for a limitation over as to any portion of the estate remaining on the death of the devisee, is void for repugnancy.

[Ed. Note.—For other cases, see Wills, Cent. Dig. §§ 1340, 1341; Dec. Dig. § 601.\* 13 Va.-W. Va. Enc. Dig. 784, 826.]

## BOARD OF TRADE BLDG. CORPORATION v. CRALLE.

March 11, 1909.

[63 S. E. 995.]

**1. Master and Servant (§ 301\*)—Injuries to Third Persons—Person Employed by Servant.**—A master is liable for the negligence of a person employed by his servant in the prosecution of the master's business, or of a person who assists the servant at his request if the servant has express or implied authority to procure assistance, and a negligent act is within the scope of the employment.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. § 1211; Dec. Dig. § 301.\* 9 Va.-W. Va. Enc. Dig. 728.]

**2. Carriers (§ 284\*)—Injuries to Passengers—Acts of Third Persons.**—Where defendant's hall boy, who was not charged with any duty of operating an elevator in defendant's office building, or of seeing that it was operated, requested another boy not in defendant's employ to operate the elevator to take plaintiff to one of the upper floors of the building, and while doing so plaintiff was injured by the boy's negli-

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\*For other cases see same topic and section NUMBER in Dec. and Am. Digs. 1907 to date, and Reporter Indexes.